IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 8260 of 2007(G)

PETITIONER:

JACOB GEORGE, AGED 45, S/O GEORGE,
KUZHIVILA VEEDU, PROPRIETOR,
KUZHIVILA ENTERPRISES, ADICHANELLOOR,
CHATHANNOOR.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:
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1. CIRCLE INSPECTOR OF POLICE,
CHATHANNOOR.

2. ASSISTANT LABOUR OFFICER,
PARAVUR.

3. HEAD LOAD WORKERS UNION, REPRESENTED BY
ITS SECRETARY, INTUC CHATHANNOOR.RAGHU.

4. HEAD LOAD WORKERS UNION, REPRESENTED BY
ITS SECRETARY, CITU, CHATHANNOOR. PRADEEP.

5. HEAD LOAD WORKERS UNION, REPRESENTED BY
ITS SECRETARY, AITUC CHATHANNOOR. SOMARAJ.

R1 & R2 BY G.P.SRI.P.A.SALIM
R3 & R4 BY ADV. SRI.MANU SOLOMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.8260/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE LETTER NO.4-1-2007 OF SKM ANIMAL FEEDS ACT FOODS (INDIA) LIMITED.

EXT.P2: TRUE COPY OF THE LETTER NO.ACV 14299 DATED 23.12.2006 OF THE CANARA BANK.

EXT.P3: TRUE COPY OF THE LICENSE NO.C7-231/2006-07 DATED 9.1.2007 ISSUED BY THE CHATHANNOOR GRAMA PANCHAYAT.

EXT.P4: TRUE COPY OF THE REGISTRATION CERTIFICATE NO.C.P.513 DATED 22.1.2007 ISSUED BY THE 2ND RESPONDENT.

EXT.P5: TRUE COPY OF THE PETITION DATED 8.2.2007 SUBMITTED BY THE PETITIONER BEFORE THE POLICE.

EXT.P6: TRUE COPY OF THE RECEIPT NO.050375 DATED 8.2.2007 ISSUED BY THE POLICE.

EXT.P7: TRUE COPY OF THE RECEIPT NO.050408 DATED 6.3.2007 ISSUED BY THE POLICE.

EXT.P8: TRUE COPY OF THE APPLICATION FOR REGISTRATION ALONG WITH IDENTITY CARD OF BIJU GEORGE.

EXT.P9: TRUE COPY OF THE APPLICATION FOR REGISTRATION ALONG WITH IDENTIRY CARD OF BINU.

EXT.P10: TRUE COPY OF THE APPLICATION FOR REGISTRATION ALONG WITH IDENTIRY CARD OF UPENDRA GIRI.

EXT.P11: TRUE COPY OF THE APPLICATION FOR REGISTRATION ALONG WITH IDENTITY CARD OF PRADEEPKUMAR GIRI.

EXT.P12: TRUE COPY OF THE APPLICATION FOR REGISTRATION ALONG WITH IDENTITY CARD OF MORROJ KUMAR.

EXT.P13: TRUE COPY OF THE POSTAL REGISTRATION SLIP NOS.2000,2001 AND 2002.

// TRUE COPY //

TKS

// TRUE COPY //

TKS

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.8260 OF 2007

Dated 22nd March, 2007

JUDGMENT

Koshy,J.

Petitioner started a new godown for stock and supply of poultry feeds. Petitioner has got his own permanent workers. It is the case of the petitioner that he can carry out the loading and unloading work also by using the above permanent workers. However, when two lorry loads came, local registered workers represented by respondents 3 to 5 created problems and he has to send back the lorries. It is the contention of the petitioner that being a new establishment, he is free to do the loading and unloading work by using the attached workers. The only obligation is that he should apply for registration. He applied for registration. Applications for registration is produced as Exts.P8 to P12 and those applications are pending. In these circumstances, we are of the opinion that respondents 3 to 5 and their supporters cannot take law into their hands. Police is directed to see that protection is given to carry out the loading and unloading work in the establishment if the same is carried out only by the employees who applied for registration, as can be seen from Exts.8 to 12. This is without prejudice to the

right of the workers or unions to approach the labour authorities.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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